

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**COLUMBIA HEIGHTS SEWER DISTRICT
DISTRICT #1
AI # 31144**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

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**Enforcement Tracking No.
WE-P-02-0898**

SETTLEMENT

The following settlement agreement (the “Settlement”) is hereby agreed to between Columbia Heights Sewer District #1 (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I.

Respondent is a governmental entity operating a sewer treatment facility located near the Town of Columbia, Caldwell Parish, Louisiana (“the Facility”).

II.

On December 31, 2002, the Department issued a Penalty Assessment, Enforcement Number WE-P-02-0898, in the amount of \$123,498.00 to Respondent, which was based upon the following alleged findings of fact:

The Respondent owns and/or operates a sewage treatment facility which serves the residents and businesses of the Columbia Heights Sewer District #1 located near the Town of Columbia, Caldwell Parish, Louisiana. The Respondent is authorized to discharge certain

qualities and quantities of wastewater into the Hurricane Creek; thence into Black Bayou; thence into the Ouachita River, all waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0060712 effective on July 1, 2002, and which expires on June 30, 2007. Previously, the Respondent was authorized to discharge certain qualities and quantities of wastewater under the terms and conditions of Louisiana Water Discharge Permit System (LWDPS) permit WP2959 issued on March 20, 1995, and which expired on March 19, 2000. The Respondent was issued National Pollutant Discharge Elimination System (NPDES) permit LA0060712 from the United States Environmental Protection Agency with an effective date of June 1, 1996, and which expired on May 31, 2001. In accordance with the assumption of the NPDES program by the state, NPDES permit LA0060712 became an LPDES permit with the same expiration date. The Respondent failed to submit a renewal application for LPDES permit LA0060712 in a timely manner; therefore, the permit was not administratively continued. The Respondent was granted interim authorization to discharge certain quantities and qualities of wastewater under the authority of Consolidated Compliance Order And Notice Of Potential Penalty WE-CN-01-0100, issued on or about May 31, 2001. The Respondent failed to submit an approved LPDES permit application within thirty (30) days of receipt of the action; therefore, the interim limits set forth in the above-referenced Order expired on July 6, 2001. An LPDES permit renewal application was received by the Department on or about August 9, 2001; however, the Respondent did not have any authorization to discharge wastewater into waters of the state until interim authorization was granted under the authority of Consolidated Compliance Order And Notice Of Potential Penalty WE-CN-02-0014, issued on or about February 28, 2002. This interim authorization was superceded by LPDES permit

LA0060712 upon its issuance on or about July 1, 2002.

A file review conducted by the Department on or about December 31, 1999, revealed the following effluent concentrations as reported by the Respondent on Discharge Monitoring Reports (DMRs) and non-compliance reports (NCRs):

	PARAMETER	PERMIT LIMITS	SAMPLE VALUE
4th Quarter Monitoring Period - 1997			
10/97	BOD ₅ (avg.)	19.6 lbs/day	20.02 lbs/day
11/97	BOD ₅ (avg.)	19.6 lbs/day	22.65 lbs/day
11/97	BOD ₅ (avg.)	10 mg/L	10.30 mg/L
12/97	BOD ₅ (avg.)	19.6 lbs/day	30.05 lbs/day
12/97	BOD ₅ (avg.)	10 mg/L	14.00 mg/L
12/97	TSS (avg.)	32 lbs/day	82.34 lbs/day
12/97	TSS (avg.)	15 mg/L	38.38 mg/L
12/97	TSS (max.)	23 mg/L	41.80 mg/L
12/17/97	TSS (max.)	23 mg/L	34.95 mg/L
1st Quarter Monitoring Period - 1998			
1/98	BOD ₅ (avg.)	19.6 lbs/day	22.87 lbs/day
1/98	BOD ₅ (max.)	15 mg/L	17 mg/L
1/98	TSS (avg.)	32 lbs/day	41.94 lbs/day
1/98	TSS (avg.)	15 mg/L	18.40 mg/L
1/98	TSS (max.)	23 mg/L	24.5 mg/L
1/98	Fecal Coliform (avg.)	200 col/100 ml	330 col/100 ml
2/98	BOD ₅ (avg.)	19.6 lbs/day	39.91 lbs/day
2/98	BOD ₅ (avg.)	10 mg/L	16 mg/L
2/98	BOD ₅ (max.)	15 mg/L	21 mg/L
2nd Quarter Monitoring Period - 1998			
6/98	BOD ₅ (avg.)	19.6 lbs/day	21.16 lbs/day
6/98	BOD ₅ (avg.)	10 mg/L	10.8 mg/L
3rd Quarter Monitoring Period - 1998			
7/98	BOD ₅ (avg.)	19.6 lbs/day	25.19 lbs/day
7/98	BOD ₅ (avg.)	10 mg/L	14 mg/L
7/98	BOD ₅ (max.)	15 mg/L	16 mg/L
8/98	BOD ₅ (avg.)	19.6 lbs/day	23.94 lbs/day
8/98	BOD ₅ (avg.)	10 mg/L	14 mg/L
8/98	BOD ₅ (max.)	15 mg/L	16 mg/L
9/98	BOD ₅ (avg.)	19.6 lbs/day	39.64 lbs/day
9/98	BOD ₅ (avg.)	10 mg/L	23.5 mg/L

DATE	PARAMETER	PERMIT LIMITS	SAMPLE VALUE
	BOD ₅ (max.)	15 mg/L	26 mg/L
9/98	BOD ₅ (max.)	15 mg/L	26 mg/L
4th Quarter Monitoring Period - 1998			
10/98	BOD ₅ (avg.)	10 mg/L	30.5 mg/L
10/98	BOD ₅ (max.)	15 mg/L	40 mg/L
10/98	BOD ₅ (avg.)	19.6 lbs/day	50.44 lbs/day
10/98	BOD ₅ (max.)	15 mg/L	21 mg/L
11/98	BOD ₅ (avg.)	10 mg/L	21.5 mg/L
11/98	BOD ₅ (max.)	15 mg/L	31 mg/L
11/98	BOD ₅ (avg.)	19.6 lbs/day	34.07 lbs/day
11/98	Fecal Coliform (avg.)	200 col/100 ml	515 col/100 ml
11/98	Fecal Coliform (max.)	400 col/100 ml	740 col/100 ml
11/98	TSS (avg.)	15 mg/L	20.65 mg/L
11/98	TSS (max.)	23 mg/L	23.40 mg/L
11/98	TSS (avg.)	32 lbs/day	32.72 lbs/day
12/98	BOD ₅ (avg.)	10 mg/L	14.5 mg/L
12/98	BOD ₅ (max.)	15 mg/L	25 mg/L
12/98	BOD ₅ (avg.)	19.6 lbs/day	22.54 lbs/day
12/98	TSS (avg.)	15 mg/L	22.90 mg/L
12/98	TSS (max.)	23 mg/L	30.60 mg/L ¹
12/98	TSS (avg.)	32 lbs/day	35.97lbs/day
1st Quarter Monitoring Period - 1999			
01/99	BOD ₅ (max.)	15 mg/L	29.0 mg/L
01/99	BOD ₅ (avg.)	10 mg/L	36.5 mg/L
01/99	BOD ₅ (max.)	15 mg/L	44.0 mg/L
01/99	BOD ₅ (avg.)	19.6 lbs/day	56.92 lbs/day
01/99	TSS (avg.)	15 mg/L	22.20 mg/L
01/99	TSS (max.)	23 mg/L	23.90 mg/L
01/99	TSS (avg.)	32 lbs/day	34.75 lbs/day
02/99	BOD ₅ (avg.)	10 mg/L	18.5 mg/L
02/99	BOD ₅ (max.)	15 mg/L	21.0 mg/L
02/99	BOD ₅ (avg.)	19.6 lbs/day	29.65 lbs/day
03/99	BOD ₅ (avg.)	10 mg/L	16.0 mg/L
03/99	BOD ₅ (max.)	15 mg/L	22.0 mg/L
03/99	BOD ₅ (avg.)	19.6 lbs/day	25.60 lbs/day
2nd Quarter Monitoring Period - 1999			
04/99	BOD ₅ (max.)	15 mg/L	21.0 mg/L
04/99	BOD ₅ (avg.)	10 mg/L	19.5 mg/L
04/99	BOD ₅ (avg.)	19.6 lbs/day	28.46 lbs/day
04/99	TSS (avg.)	15 mg/L	19.3 mg/L

DATE	PARAMETER	PERMIT LIMITS	SAMPLE VALUE
	TSS (max.)	23 mg/L	24.2 mg/L
05/99	BOD ₅ (max.)	15 mg/L	25.0 mg/L
05/99	BOD ₅ (avg.)	10 mg/L	13.0 mg/L
05/99	BOD ₅ (avg.)	19.6 lbs/day	30.6 lbs/day
05/99	Fecal Coliform (avg.)	200 col/100 ml	220 col/100 ml
05/99	Fecal Coliform (max.)	400 col/100 ml	440 col/100 ml
05/99	TSS (avg.)	29.4 lbs/day	35.3 lbs/day
3rd Quarter Monitoring Period - 1999			
07/99	pH (max.)	6.0 S.U.	9.5 S.U.
08/99	TSS (avg.)	15 mg/L	42.1 mg/L
08/99	TSS (max.)	23 mg/L	62.0 mg/L
08/99	TSS (avg.)	29.4 lbs/day	62.27 lbs/day
09/99	BOD ₅ (avg.)	10 mg/L	27.0 mg/L
09/99	BOD ₅ (max.)	15 mg/L	32.0 mg/L
09/99	BOD ₅ (avg.)	19.6 lbs/day	38.28 lbs/day
09/99	TSS (avg.)	15 mg/L	22.7 mg/L
09/99	TSS (max.)	23 mg/L	30.0 mg/L
09/99	TSS (avg.)	29.4 lbs/day	32.18 lbs/day
09/99	Fecal Coliform (avg.)	200 col/100 ml	1225 col/100 ml
09/99	Fecal Coliform (max.)	400 col/100 ml	3000 col/100 ml

The above reported concentrations constitute violations of the terms and conditions of LPDES permit LA0060712 (Part I, Section A, Page 2; Part III, Section A.2), LWDPs permit WP2959 (Part I, Page 2; Part III, Section A.1), La. R.S. 30:2076 (A)(1), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

A file review conducted by the Department on or about April 10, 2001, revealed the following effluent concentrations as reported by the Respondent on DMRs and NCRs:

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
2nd Quarter Monitoring Period – 2001			
April 2001	BOD ₅ (daily max)	15.0 mg/L	26.0 mg/L
1st Quarter Monitoring Period – 2001			
March 2001	BOD ₅ (Loading- 30 day avg. max)	19.6 lbs/day	47.29 lbs/day
	BOD ₅ (daily max)	15.0 mg/L	44.0 mg/L

	BOD ₅ (30 day avg. max)	10.0 mg/L	31.5 mg/L
February 2001	BOD ₅ (Loading- 30 day avg. max)	19.6 lbs/day	46.09 lbs/day
	BOD ₅ (daily max)	15.0 mg/L	52.0 mg/L
	BOD ₅ (30 day avg. max)	10.0 mg/L	32.0 mg/L
	TSS (daily max)	23.0 mg/L	23.2 mg/L
January 2001	BOD ₅ (Loading- 30 day avg. max)	19.6 lbs/day	72.0 lbs/day
	BOD ₅ (daily max)	15.0 mg/L	66.0 mg/L
	BOD ₅ (30 day avg. max)	10.0 mg/L	49.3 mg/L
4th Quarter Monitoring Period – 2000			
December 2000	BOD ₅ (Loading- 30 day avg. max)	19.6 lbs/day	24.4 lbs/day
	BOD ₅ (daily max)	15.0 mg/L	23.5 mg/L
	BOD ₅ (30 day avg. max)	10.0 mg/L	17.8 mg/L
September 2000	BOD ₅ (daily max)	15.0 mg/L	21.0 mg/L
	BOD ₅ (30 day avg. max)	10.0 mg/L	12.5 mg/L
3rd Quarter Monitoring Period – 2000			
August 2000	BOD ₅ (daily max)	10.0 mg/L	11.5 mg/L
	TSS (30 day avg. max)	15.0 mg/L	15.2 mg/L
2nd Quarter Monitoring Period – 2000			
June 2000	BOD ₅ (Loading- 30 day avg. max)	19.6 lbs/day	30.5 lbs/day
	BOD ₅ (daily max)	15.0 mg/L	32.0 mg/L
	BOD ₅ (30 day avg. max)	10.0 mg/L	21.5 mg/L
	TSS (30 day avg. max)	15.0 mg/L	16.6 mg/L
	TSS (daily max)	23.0 mg/L	23.6 mg/L
April 2000	TSS (daily max)	23.0 mg/L	23.8 mg/L
1st Quarter Monitoring Period – 2000			
March 2000	TSS (30 day avg. max)	15.0 mg/L	16.9 mg/L
February 2000	BOD ₅ (Loading- 30 day avg. max)	19.6 lbs/day	36.9 lbs/day
	BOD ₅ (daily max)	15.0 mg/L	43.0 mg/L
	BOD ₅ (30 day avg. max)	10.0 mg/L	26.5 mg/L
	TSS (Loading- 30 day avg. max)	29.4 lbs/day	57.2 lbs/day
	TSS (30 day avg. max)	15.0 mg/L	40.9 mg/L
	TSS (daily max)	23.0 mg/L	59.8 mg/L
January 2000	BOD ₅ (Loading- 30 day avg. max)	19.6 lbs/day	21.9 lbs/day
	BOD ₅ (daily max)	15.0 mg/L	16.0 mg/L
	BOD ₅ (30 day avg. max)	10.0 mg/L	15.0 mg/L
	TSS (Loading- 30 day avg. max)	29.4 lbs/day	67.1 lbs/day
	TSS (30 day avg. max)	15.0 mg/L	46.0 mg/L
	TSS (daily max)	23.0 mg/L	52.8 mg/L
	Fecal Coliform (daily max)	400 Col/100 ml	530 Col/100 ml
	Fecal Coliform (30 day avg. max)	200 Col/100 ml	355 Col/100 ml
4th Quarter Monitoring Period – 1999			
December 1999	BOD ₅ (daily max)	10.0 mg/L	11.5 mg/L
	TSS (30 day avg. max)	15.0 mg/L	17.8 mg/L

	Fecal Coliform (30 day avg. max)	200 Col/100 ml	220 Col/100 ml
November 1999	BOD ₅ (daily max)	10.0 mg/L	12.0 mg/L
October 1999	BOD ₅ (Loading- 30 day avg. max)	19.6 lbs/day	39.4 lbs/day
	BOD ₅ (daily max)	10.0 mg/L	26.5 mg/L
	BOD ₅ (30 day avg. max)	15.0 mg/L	34.0 mg/L
	TSS (Loading- 30 day avg. max)	29.4 lbs/day	31.5 lbs/day
	TSS (daily max)	23 mg/L	36.8 mg/L
	TSS (30 day avg. max)	15 mg/L	21.5 mg/L
	Fecal Coliform (daily max)	400 Col/100 ml	520 Col/100 ml

The above effluent concentrations are violations of Consolidated Compliance Order And Notice Of Potential Penalty WE-CN-99-0017, LPDES permit LA0060712 (Part I, Section A.1; Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A)(1)(b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

The Respondent was issued Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-01-0100 on or about May 31, 2001, for the above violations. Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-01-0100, is a final action of the Department and not subject to further administrative review.

A file review conducted by the Department on or about February 4, 2002, revealed the following effluent concentrations as reported by the Respondent on DMRs and NCRs:

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
4th Quarter Monitoring Period – 2001			
12/01	Fecal Coliform (Weekly Avg.)	*	532 Colonies/100ml
	TSS (Monthly Avg.)	*	16.75 mg/L
	BOD5 (Monthly Avg.)	*	10.95 mg/L
11/01	BOD5 (Monthly Avg.)	*	10.90 mg/L
	BOD5 (Weekly Avg.)	*	17.40 mg/L

	Fecal Coliform (Weekly Avg.)	*	1029 Colonies/100 ml
	Fecal Coliform (Monthly Avg.)	*	330 Colonies/100 ml
3rd Quarter Monitoring Period – 2001			
9/01	BOD5 (Monthly Avg.)	*	12.5 mg/L
7/01	BOD5 (Monthly Avg.)	10 mg/L	14.0 mg/L
2nd Quarter Monitoring Period – 2001			
6/01	BOD5 (Monthly Avg.)	10 mg/L	12.5 mg/L
	BOD5 (Weekly Avg.)	15 mg/L	20.0 mg/L
5/01	BOD5 (Monthly Avg.)	10 mg/L	11.5 mg/L
4/01	BOD5 (Weekly Avg.)	15 mg/L	24.0 mg/L

* Evidence of effluent concentrations through submittal of DMRs. No limits applied during these time periods.

Effluent violations occurring prior to May 31, 2001 are violations of LPDES permit LA0060712 (Part I, Page 2; Part III, Section A.2), La. R.S. 30:2076 (A)(1)(b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A. Effluent violations occurring between June 6, 2001, and July 6, 2001, are violations of Consolidated Compliance Order And Notice Of Potential Penalty WE-CN-01-0100, La. R.S. 30:2076 (A)(3) and LAC 33:IX.501.A.

The Respondent was issued Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-02-0014 on or about February 28, 2002, for the above violations. Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-02-0014, is a final action of the Department and not subject to further administrative review.

III.

In response to the Penalty Assessment, Respondent made a timely request for a hearing.

IV.

A file review conducted by the Department on or about February 18, 2004, revealed the following effluent concentrations as reported by the Respondent on DMRs and NCRs:

Date	Parameter	Permit Limit	Sample Value
December 2003	BOD ₅ (mo. avg.)	10 mg/L	13.4 mg/L
	BOD ₅ loading (avg.)	20.85 lbs/day	24.11 lbs/day
	TSS (mo.avg)	15 mg/L	44 mg/L
	TSS (wkly. avg.)	23 mg/L	57 mg/L
	TSS loading (avg.)	31.28 lbs/day	79.81 lbs/day
November 2003	TSS (mo.avg)	15 mg/L	19.25 mg/L
	TSS loading (avg.)	31.28 lbs/day	31.4 lbs/day
August 2003	TSS (mo.avg)	15 mg/L	16.92 mg/L
July 2003	TSS (mo.avg)	15 mg/L	20.07mg/L
May 2003	TSS (mo.avg)	15 mg/L	20.5 mg/L
	TSS loading (avg.)	31.28 lbs/day	36.85 lbs/day
April 2003	BOD ₅ (mo. avg.)	10 mg/L	12.05 mg/L
	BOD ₅ (wkly. avg.)	15 mg/L	16.3 mg/L
	BOD ₅ loading (avg.)	20.85 lbs/day	31 lbs/day
March 2003	TSS loading (avg.)	31.28 lbs/day	54.54 lbs/day
	TSS (mo. avg.)	15 mg/L	24 mg/L
	TSS (wkly. avg.)	23 mg/L	34.5 mg/L
February 2003	BOD ₅ loading (avg.)	20.85 lbs/day	21.26 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	11.2 mg/L
January 2003	BOD ₅ loading (avg.)	20.85 lbs/day	28.54 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	14.1 mg/L
	BOD ₅ (wkly. avg.)	15 mg/L	16.2 mg/L
December 2002	TSS (mo. avg.)	15 mg/L	16.6 mg/L
	BOD ₅ loading (avg.)	20.85 lbs/day	23.47 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	14.4 mg/L
	BOD ₅ (wkly. avg.)	15 mg/L	17.4 mg/L
November 2002	TSS (mo. avg.)	15 mg/L	16.6 mg/L
	BOD ₅ loading (avg.)	20.85 lbs/day	49.32 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	27.8 mg/L
	BOD ₅ (wkly. avg.)	15 mg/L	39.4 mg/L
August 2002	BOD ₅ (mo. avg.)	10 mg/L	14.2 mg/L
	BOD ₅ (wkly. avg.)	15 mg/L	16 mg/L
	BOD ₅ (mo. avg.)	10 mg/L	15.1 mg/L

	BOD ₅ (wkly. avg.)	15 mg/L	17.7 mg/L
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The above effluent concentrations are violations of Consolidated Compliance Order And Notice Of Potential Penalty WE-CN-99-0017, LPDES permit LA0060712 (Part I, Section A.1; Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A)(1)(b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

V.

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

VI.

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of five thousand dollars (\$5,000.00), of which \$736.00 represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VII.

In addition to paying the sum(s) referenced in Paragraph VI of this Settlement, the Respondent agrees to complete the following modifications to the Facility on or before December 31, 2005:

- (A) Phase I – Installation of crossover piping and access piers for Cells 1 and 2 (“Phase I Tasks”);
- (B) Phase II – Re-shoring of the levee between Cells 2 and 3 and removal of overgrowth from all levees (“Phase II Tasks”);

- (C) Phase III – Replacement of aerators in Cell 2 with new aerators, conversion of rock/reed filter system to an artificial marsh system, and addition of fourth cell (together with appurtenant crossover piping) for additional retention and clarification (“Phase III Tasks”);

The Department and Respondent agree that a \$200.00 per day stipulated penalty (“the Stipulated Penalty”) will be assessed for failure to complete the Phase I-III Tasks on or before December 31, 2005. In the event that Respondent fails to complete all of the Phase I-III Tasks on or before December 31, 2005, the Stipulated Penalty will accrue beginning on January 1, 2006 and will continue to accrue until all of the Phase I-III Tasks are completed. Stipulated penalties shall be due and owing no later than thirty (30) days following the Respondent’s receipt of a written demand for payment from the Department.

VIII.

The Respondent further agrees to meet the following interim deadlines for upgrading the Facility:

- (A) Completion of Phase I Tasks - November 1, 2003
- (B) Completion of Phase II Tasks – July 1, 2004
- (C) Completion of Phase III Tasks – December 31, 2005

The Respondent shall submit quarterly progress reports to the Department commencing 90 days after the effective date of this settlement, concerning the above-referenced upgrades.

IX.

To protect water quality in the event of a discharge during the period of upgrades, the Respondent shall comply with the interim effluent limitations and monitoring requirements set forth in Appendix A.

X.

The Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessment and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

XI.

This Settlement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this Settlement in any action by the Department to enforce this Settlement.

XII.

This Settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

XIII.

The Respondent has caused a public notice advertisement to be placed in the official

journal of the parish governing authority in Caldwell Parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XIV.

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303.

XV.

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XVI.

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

WITNESSES:

Monty B Adams

Monty B Adams
(Printed or Typed)

Dianne May

Dianne May
(Printed or Typed)

COLUMBIA HEIGHTS SEWER DISTRICT #1

BY: M.E. Davis
(Signature)

Marshall E. Davis
(Printed or Typed)

TITLE: Chairman

THUS DONE AND SIGNED in duplicate original before me this 25th day of
March, 2004, at Caldwell Parish

Cherette Harris
NOTARY PUBLIC

Cherette Harris
(Printed or Typed)

THIS DOCUMENT WAS NOT PREPARED BY ME, NOTARY PUBLIC
BUT WAS PRESENTED TO ME TO BE NOTARIZED AT THE
TIME OF SIGNING.

STATE OF LOUISIANA
Mike McDaniel, Secretary
Department of Environmental Quality

BY: Harold Leggett
Harold Leggett, Ph.D., Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 1st day of
July, 2004, at Baton Rouge, Louisiana.

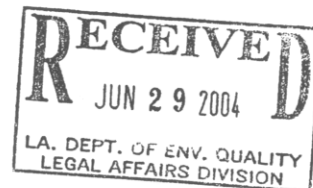
J. All #28050
NOTARY PUBLIC Jay Glorioso

Approved: R. Bruce Hammatt
R. Bruce Hammatt, Assistant Secretary



CHARLES C. FOTI, JR.
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005



March 31, 2004

Mike D. McDaniel, Secretary
La. Department of Environmental Quality
Office of the Secretary
P.O. Box 4301
Baton Rouge, LA 70821-4301

Re: Review of DEQ Settlement;
Columbia Heights Sewer District #1
WE-P-02-0898

Dear Secretary McDaniel:

Pursuant to the authority granted to me by R.S. 30:2050.7(E)(2)(a), I approve the above referenced settlement.

Sincerely,


NICHOLAS GACHASSIN
First Assistant Attorney General

NG/cbw

APPENDIX A

The Respondent is authorized to discharge treated sanitary wastewater from its publicly owned wastewater treatment facility subject to the specific interim effluent limitations and monitoring requirements set forth below. The Respondent shall continue to comply with all other provisions of LPDES permit LA0060712 until the Respondent is otherwise notified by the Department.

OUTFALL 001

The point of discharge of treated sanitary wastewater to Hurricane Creek; thence into Black Bayou; thence into the Ouachita River is hereby designated in LPDES permit LA0060712 as Outfall 001. The discharge shall be monitored at the point of discharge as it exits the treatment system and/or prior to entering waters of the state of Louisiana. The Respondent shall monitor and report all discharges from its facility under the following interim effluent limitations and monitoring requirements until December 31, 2005, or until the Respondent is otherwise notified by the Department.

EFFLUENT	<u>Monthly Avg. Weekly Avg.</u>		<u>Monitoring Requirements</u>	
	mg/L	mg/L	Frequency	Type
BOD ₅	30	45	2/month	Grab
TSS	30	45	2/month	Grab

The Department incorporates all of the remaining effluent limitations and monitoring requirements of LPDES permit LA0060712 as if reiterated herein.